

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**v.**

**Case No. 4:06-cr-00041 BSM**

**ANTOINE DEMETRIUS BAKER**

**DEFENDANT**

**ORDER**

Defendant Antoine Demetrius Baker moves to suppress evidence seized from three warrantless automobile searches, conducted on November 10, 2005, November 22, 2005 and January 13, 2006 [Doc. 281]. The government responds that Baker has no standing to challenge the legality of the November 10 and 22, 2005 searches and that there was probable cause for the officers to stop the vehicle in which Baker was a passenger on both occasions.

On November 10, 2005, the vehicle in which Baker was a passenger was stopped by an officer who observed that it was swerving across lanes of traffic. When the officer stopped the vehicle and asked the passengers to put up their hands so he could see them, the driver put the car in gear and sped off, jumping the curb and running over a tree and sign. When the car was ultimately stopped, the passengers fled by foot.

On November 22, 2005, members of the Little Rock Police Department saw the vehicle in which Baker was a passenger speeding in excess of 65 miles per hour up to 80 miles per hour. The vehicle was a suspected vehicle due to its involvement in prior drug related incidents. Again, when the police stopped the vehicle, the driver jumped out, threw a gun down, and ran. Baker remained in the vehicle and was found with a backpack with a

gun in it.

On January 13, 2006, Baker was arrested pursuant to an arrest warrant issued the same day. He was arrested in a stolen vehicle and the search at issue was an inventory search performed by the Federal Bureau of Investigation.

Baker's motion to suppress is denied. He lacks standing to challenge the searches at issue and to the extent that he has standing, each of the searches were validly executed and all evidence seized was taken pursuant to validly executed searches..

IT IS SO ORDERED THIS 8th day of October, 2009.

A handwritten signature in cursive script, appearing to read "Brian S. Miller".

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UNITED STATES DISTRICT JUDGE